

ZB# 00-04

Petro Metals, Inc.

35-1-102.1

Prelim.

Jan. 24, 2000.

Notice to Sentinel 2/7/00.

Public Hearing:

Feb. 28, 2000

Approved

Refunded:

\$371.50

#00-04- Petro Metals, Inc.

35-1-102.1

Area-Parking

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Reto Metals, Inc.FILE# 00-04

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA XUSE APPLICATION FOR VARIANCE FEE \$ 150.00* * *
ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/24/00-5 .. \$ 22.502ND PRELIMINARY- PER PAGE .. 2/28/00-8 .. \$ 36.003RD PRELIMINARY- PER PAGE \$ PUBLIC HEARING - PER PAGE \$ PUBLIC HEARING (CONT'D) PER PAGE \$ TOTAL \$ 58.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: ... 1/24/00 \$ 35.002ND PRELIM. 2/28/00 \$ 35.003RD PRELIM. \$ PUBLIC HEARING. \$ PUBLIC HEARING (CONT'D) \$ TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 128.50LESS ESCROW DEPOSIT \$ 500.00(ADDL. CHARGES DUE) \$ REFUND DUE TO APPLICANT .. \$ 371.50paid ck # 1083
2/8/00
ck # 1084

Security enhanced document. See back for details.

WINDSOR ENTERPRISES, INC.
5020 ROUTE 9W
NEWBURGH, NY 12550

1084

50-693/219
302

PAY TO THE ORDER OF Town of New Windsor DATE February 3, 04
Five Hundred dollars & 00/100 \$ 500.00
DOLLARS



KeyBank National Association
Vails Gate, New York 12584
1-800-KEY2YOU

FOR Rt. 32 sewer bond ZBA #00-04

⑈001084⑈ ⑈021906934⑈

024244448⑈

[Signature]

Security enhanced document. See back for details.

WINDSOR ENTERPRISES, INC.
5020 ROUTE 9W
NEWBURGH, NY 12550

1083

50-693/219
302

PAY TO THE ORDER OF Town of New Windsor DATE February 3, 04
One Hundred dollars & 00/100 \$ 100.00
DOLLARS



KeyBank National Association
Vails Gate, New York 12584
1-800-KEY2YOU

FOR Rt 32 - application fee ZBA #00-04

⑈001083⑈ ⑈021906934⑈

024244448⑈

[Signature]

In the Matter of the Application of

PETRO METALS, INC.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#00-04.

WHEREAS, PETRO METALS, INC., a corporation with a mailing address at P. O. Box 928, Vails Gate, N. Y. 12584, have made application before the Zoning Board of Appeals for a 14 space parking variance in order to construct two buildings on west side of Windsor Highway in an C zone; and

WHEREAS, a public hearing was held on the 28th day of February, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Gregory Shaw, P. E.; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located adjacent to other commercial properties on a busy state highway.

(b) The Applicant proposes to develop the property in accordance with its zoning uses but requests a parking variance in order to do so.

(c) The Applicant proposes to place two one-story office or retail buildings on the premises. The proposal has been configured to permit the maximum parking which the site affords if the two buildings are constructed.

(d) If the variance is approved, the Applicant is still subject to site plan approval by the Planning Board before a building permit can be issued.

(f) The site would have provided sufficient parking under the Zoning Code which was changed after the project was begotten.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance as previously stated is reasonable in view of the size of the buildings, their location, and their appearance in relation to other buildings in the neighborhood.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variance of 14 spaces to Applicant in order to construct two buildings on the west side of Windsor Highway in a C zone.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 24, 2000.


Chairman

Date March 10 20 19

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Windsor Enterprises, Inc. DR.
5020 Route 9W, Newburgh, N.Y. 12550

DATE	CLAIMED	ALLC
3/10/00 Refund of CSRM Deposit # 00-04		371.5
<p>Approved Patricia A. Orsetti ZBA</p>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filled

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

Date 3/3/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE

CLAIMED

ALLOWED

Zoning Board Mtg
MEL - 1

75 00

HZ Development - 3

Borgia - 4

Locke - 3

Petro Metals - 8

Omat - 8

Maurice - 13

180 00

40

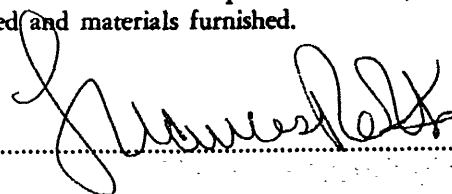
255 00

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

PETRO METALS, INC.

MR. TORLEY: Referred by Planning Board for parking variance of 14 spaces to construct office building on west side of Windsor Highway in a C zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Before you go on, is there anyone in the audience who'd like to comment on this application? Let the record show there's no one. You sent out how many?

MR. BARNHART: Well, let me see, how many did we send out?

MR. SHAW: A lot.

MS. BARNHART: I know exactly how many, 28 and we did that on the 9th of February.

MR. SHAW: Thank you. Good evening, tonight I'm presenting Petro Metals and North Plank Development Corporation on a 2 acre parcel on Windsor Highway to give the board a focus a little bit, it's immediately north of the Ponderosa Restaurant and across the street from Mansfields Paint. Presently, it's an undeveloped piece of land, just vegetative growth on it. We're in a C zone, designed shopping and we're proposing to construct two buildings that will be used for either retail and/or office. First building which is closest to Windsor Highway will be 12,000 square feet. And the second building most removed from Windsor Highway will be 4,975 square feet. We comply with all aspects of the zoning with the exception of the number of parking spaces that are required. According to your zoning ordinance both for retail and for office, you're requiring one space for 150 square feet of total space and I use the word total because this is a change from the previous zoning ordinance before the board implemented the new regulations maybe about four, four months ago. As you'll notice with the site, we have provided a total of 100 parking spaces and we're requesting a variance for 14 spaces. There

will be one access point out onto Windsor Highway located in a southerly portion of the project, the two buildings will be separated by a grass area to the rear of building number one and also will be another nice grass area immediately north of the second building most removed from Windsor Highway. That's a quick overview, Mr. Chairman. I will be more than happy to entertain any specific questions you may have as we go through the application.

MR. TORLEY: Well, these are both one story buildings, correct?

MR. SHAW: Correct.

MR. TORLEY: Now, if you could achieve the same floor space and meet all the zoning codes, if you had one two story building, couldn't you?

MR. SHAW: Correct, yes, mathematically you could.

MR. TORLEY: Now, and the Town board says you pointed out very recently decided to change the code, very recent decision of the Town Board. You have a piece of property that's not yet developed at all and I'm personally saying I'm reluctant to grant a variance for a brand new code on an empty piece of property. Tell me why this should get a variance as opposed to just either make it two story or changing at arrangement.

MR. SHAW: Well, as I said before, you're correct when you say mathematically if you made a two story building, you could fit all the parking on the site. You have to take a look at market conditions, all right, I don't know, in fact I shouldn't say that from what I'm told from people in the real estate business if you're looking to do two stories of retail, you may build it, you're not going to rent it out, they want ground floor access on the building, has to be a certain dimension. We have a building depth of 80 feet. Again, the people that I deal with in real estate, it's 80 feet, the number, it's not 125, it's not 60, so because this is not going to be owned and used by my client and it's going to be rented out, you basically have to rent it out to what the market

demands are, okay, therefore, one story, not two story. In fact, in the Town of New Windsor, I can't think of any two story retail building but you're more experienced than I am.

MR. TORLEY: You mentioned it's going to be for office space, there's plenty of two story office buildings.

MR. SHAW: Correct, but my client wants the flexibility of either doing office or retail, maybe a combination of the both. Dependent upon what's out there with respect to renting of the real estate.

MR. TORLEY: How much of a reduction in total area would be required to make this so that the hundred spaces you have would meet the code?

MR. SHAW: Well, it would be 14 spaces times 150 square feet, 2,000 square feet, 2,200 square feet, something of that nature.

MR. TORLEY: Gentlemen?

MR. KANE: What about the grassy area next to the back building?

MR. SHAW: Over here?

MR. KANE: Is this a contour of that slope going down on the property?

MR. SHAW: Not really. We looked at it, you cannot double load an island here. If you take a look at the width, certainly bring it over here, wouldn't fit, we looked at bringing that aisle and single loading it, but now you have a 25 foot aisle, you have another 40 feet of parking, that's 45 feet, you're going to lose four to five spaces in the front, just to access it, so now if you're looking to make up 14 and you're going to take away 4 for openers, it just doesn't work, it doesn't fit.

MR. MC DONALD: On the slope on the contour between the two buildings in the back and where does that flow to?

MR. SHAW: Where does what flow to?

MR. MC DONALD: The water, is that going up or going down, I can't see how you're--

MR. SHAW: Everything flows in this direction. What will happen, we have, everything will flow to this curb line, we're picking up the storm drainage, bringing it here, flows in this direction and we're taking the storm drainage and breaking it into two directions, one there's an existing culvert which we're going to be connecting to and across 32, the other half of the site is going to flow through this new riprap swale into the State's drainage system and it crosses 32 down in this fashion by Washington Drive, which is the entrance to Washington Green.

MR. TORLEY: Looks like the contour, that almost all of the drainage goes off on to the north side.

MR. SHAW: Here?

MR. TORLEY: Yeah and then down to 32.

MR. SHAW: Okay, you're correct, but that's drainage that may be flowing on our site and what we don't want to do is take water that's flowing from off-site onto our site, have it affect our building so we're just kicking it in this fashion, so the only thing flowing in this direction is this much of our site and whatever may be flowing onto the site.

MR. TORLEY: Just immediately up on the map from your larger building, that's why it's going to be draining to the right.

MR. SHAW: That's just collecting 20 feet of grass from this curb line in the rear of the building. Again, we don't want water flowing towards the building so you have to back slope it away. But this is cut up just 20 to 24 feet of grass area that's flowing in this fashion, it's not taking any of the parking lot, not taking the building, not taking this drive or anything that's in the front.

MR. TORLEY: Where is the parking lot draining?

MR. SHAW: It drains in this fashion up against this curb line which has catch basins in it and piping and it will be collected by an on-site drainage system and brought towards Windsor Highway, but it will be carried across Windsor Highway in two locations. We're not draining water on the adjacent people's property.

MR. MC DONALD: We have had, you know, considerable amount of problems with water drainage in that particular area, the lower part toward Willow Lane, are we going to be putting more water down there that the Town spent a lot of money trying to clear that problem up, now we're going to run some more?

MR. SHAW: That's something that when he met with the planning board engineer he said we'd have to sit down, take a close look. For that exact reason, when I go back to the planning board and we talk about drainage, we talk about the State system, cause that's where we're going to be discharging to, knowing that the State drains towards Willow Lane, we'll have to pick that up with the planning board. Yes, I was made aware that drainage was an issue. We may have to put underground detention, large diameter pipes to store the water and let it bleed out slowly. That's something that's going to have to be addressed with the engineer and DOT.

MR. KANE: How long has this been in the planning?

MR. SHAW: How long has this been in the planning stages for? I would say, probably say October, October of '99, that's when Mr. Petro came into my office.

MR. KANE: Would this have met code before the changes?

MR. SHAW: Yes, yes, what happened was and Mike can correct me, the changes were twofold. One, the word total was put in where before there was a deduction for storage for utility rooms and two is that I believe for office it was one per 200 square feet. Mike?

MR. BABCOCK: That's correct.

MR. SHAW: Now it's one for 150 so office is the same as retail. So it was a double hit and with respect to office, you were bumping it up and the word total got inserted, so it was a substantial increase.

MR. TORLEY: But you can't say that this is, you know, you haven't already started to build your buildings and this is the change, there's nothing there at all.

MR. SHAW: No, I cannot say, the only thing I can state to this board and it was inserted into the application in the narrative was the economics of this Windsor Highway is a prime commercial area, when you buy property on Windsor Highway, you're paying top dollar for it. And in order to build something nice on this site, you don't want to put up just a simple box. The last project that Petro Metals did, North Plank Development did was the new office building across from the Lexus Diner, in my opinion, very attractive in the Town of Newburgh. So, if you take the cost of the site and the take the cost of those type buildings, you realize that in order for you to come out financially, they need a certain amount of square footage you have to rent. I mean, if the growing markets \$15 a square foot, you can't turn around and have a smaller building and just charge \$20 a square foot. That doesn't work. You have to take what the market buys and you're back into the size of the building and they basically felt that on this site, it could support that number, that amount of square footage of building and sufficient parking, just efficient with respect to zoning, it's purely economics, it's a vacant piece of land and there's no pre-existing hardship that goes with it.

MR. TORLEY: Any questions?

MR. REIS: I think under the circumstances, he's not impacting the neighboring properties either north or south or behind the building. I just had a question, Greg, around the perimeter of the lot, where does the grass area start and stop and the blacktop pick up? I can't detect that from here.

MR. SHAW: About 4 feet off our property line is the

edge of macadam pavement for Ponderossa. It continues, continues, continues and at this point, it terminates, so the parking lot of Ponderossa is almost immediately against our property line and it terminates maybe 80 feet from the rear of our property. With respect to here, it's undeveloped, and it's just natural vegetation and back here is the gravel drive for Washington Green. You touched on a good point before when you mentioned the adjacent properties. Now, as far as impacts go, I think if you were to take a look at the number of spaces that we're providing for either retail or office per thousand square feet, it's substantial excess of what exists across the street and immediately to the south of us. So for sure there will not be an impact with respect to granting of the variance for the parking spaces.

MR. REIS: Egress ingress one area basically?

MR. SHAW: Yes, there's one access point, first of all, I think, I don't think the DOT would allow two and secondly, the grade is too steep and there's some rock outcrop.

MR. TORLEY: Mike, that building is on the border of C and R-5 zone, are there any additional restraints on them because it borders an R-5 zone?

MR. BABCOCK: No.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we accept the requested variances for Petro Metals at the Windsor Highway C zone.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

February 28, 2000

20

MR. TORLEY

NO

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(814) 563-4811

RECEIPT
#77-2000

02/09/2000

Windsor Enterprises

Received \$ 150.00 for Zoning Board Fees, on 02/09/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

ck # 1083

2.BA # 00-04

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

prelim.
#00-04
1/24/00

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-38

DATE: 5 JAN 00

APPLICANT: PETRO METALS INC

P.O. BOX 928

VAILE GATE N.Y 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 6 DEC 00

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

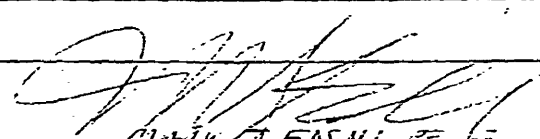
LOCATED AT WEST SIDE WINDSOR HWY

_____ ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 102.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

PARKING SPACE VARIANCE REQ'D.



MICHAEL J. EDWARDS JR.
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE _____		
MIN. LOT AREA	<u>40 000 sq</u>	<u>97 423 sq</u>	
MIN. LOT WIDTH	<u>200 FT</u>	<u>220 FT</u>	
REQ'D FRONT YD	<u>60 FT</u>	<u>144 FT</u>	
REQ'D SIDE YD.	<u>30 FT</u>	<u>30 FT</u>	
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>70 FT</u>	
REQ'D REAR YD.	<u>30 FT</u>	<u>30 FT</u>	
REQ'D FRONTAGE	<u>N/A</u>	<u>220 FT</u>	
MAX. BLDG. HT. <u>12 1/2 FT MAX = 30'</u>		<u>24' 6"</u>	
FLOOR AREA RATIO	<u>0.50</u>	<u>0.14</u>	
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	
DEV. COVERAGE	<u>N/A</u> %	<u>N/A</u> %	
O/S PARKING SPACES	<u>114</u>	<u>100</u>	<u>14</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Petro Metals, Inc.
Applicant.

#00-04.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 2/9/00, I compared the 28 addressed envelopes containing the Public Hearing/Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
 _____ day of _____, 19____.

Notary Public

PROJECT I.D. NUMBER

617.21

SEQR

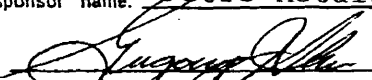
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Petro Metals Inc..	2. PROJECT NAME New office building for Petro Metals Inc.
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) A vacant parcel located on the west side of Windsor Highway being Tax Map Section 35, Block 1, Lot 102.1	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Construction of 2 office/retail buildings totaling 16,975 S.F.	
7. AMOUNT OF LAND AFFECTED: Initially <u>2.0</u> acres Ultimately <u>2.0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals NYSDOT-Highway Work Permit New Windsor Planning Board-Site Plan Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Petro Metals Inc.</u>	Date: <u>1/26/2000</u>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

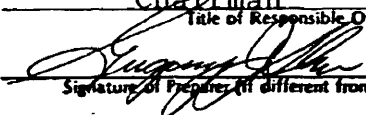
OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. No	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. No	
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly. No	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<u>Town of New Windsor Zoning Board of Appeals</u>	
Name of Lead Agency	
<u>James Nugent</u>	<u>Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from responsible officer)
_____ Date	

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-04

Date: 1/26/2000

I. ☒ Applicant Information:

- (a) Petro Metals Inc. ,P.O. Box 928,Vails Gate, NY 12584
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY12550, 561-3695
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) C Windsor Highway 35-1-102.1 2.0Ac
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1999
- (e) Has property been subdivided previously? Yes
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. ☒

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓v. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. 0.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area <u>114</u> spaces	<u>100</u> spaces	<u>14</u> spaces

* Residential Districts only

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See Attached Site Plan

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Applicant: Petro Metals, Inc.

The subject parcel is 2.0 acres in size, and is located on the west side of Windsor Highway within the Design Shopping (C) Zoning District. Windsor Highway is a NYS Highway, and is the main commercial corridor of the Town of New Windsor.

The Applicant proposes to construct two buildings for retail and/or office use totaling 16,975 S.F. Both retail and office use are permitted uses within the Design Shopping Zone. A 12,000 S.F. building will be constructed nearest to Windsor Highway and a 4,975 S.F. building will be constructed at the rear of the site. Associated site improvements will be constructed including two parking areas totaling 100 spaces.

The New Windsor Zoning Ordinance was recently amended to substantially increase the number of off-street parking spaces required for both office and retail use. For the total building area of 16,975 S.F., the Zoning Ordinance requires 114 parking spaces. As the site can only support 100 parking spaces, the Applicant is seeking an Area Variance for 14 spaces.

An argument could be made that the shortfall of the parking spaces is the result of a self-created hardship on the part of the Applicant, and that if the buildings were made smaller the parking variance would not be required. This might be true if economics was not a major prime factor in the development of commercial property. As presented above, Windsor Highway is the main commercial corridor in New Windsor, with the cost of vacant land at a premium. Also, monies have to be invested in the architecture and construction of the building to make them attractive to prospective tenants. The result is a substantial investment in the project. A simple answer would be to increase rents to cover the cost of the building and site improvements, but unfortunately, rental income is dictated by the local rental market.

The key to balancing the cost of an attractive project in a commercial corridor and renting the space at market value is spreading the cost of the project over a greater rental area. This is the justification for the total building area and the shortfall in the number of parking spaces.

The granting of the subject Variance is not substantial when considering the size and configuration of the parcel. The granting of the Variance is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the Design Shopping Zone, and is a permitted use. The granting of the Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the Variance will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties.

There is no other method that the Applicant can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variance sought be granted.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 00-04

Request of Petro Metals Inc.

for a VARIANCE of the Zoning Local Law to Permit:

The construction of 2 buildings for office/retail use with
insufficient parking. The requested variance is for 14 parking
spaces.

being a VARIANCE of Section 48-12, Table of Bulk Regulations, column 0

for property situated as follows:

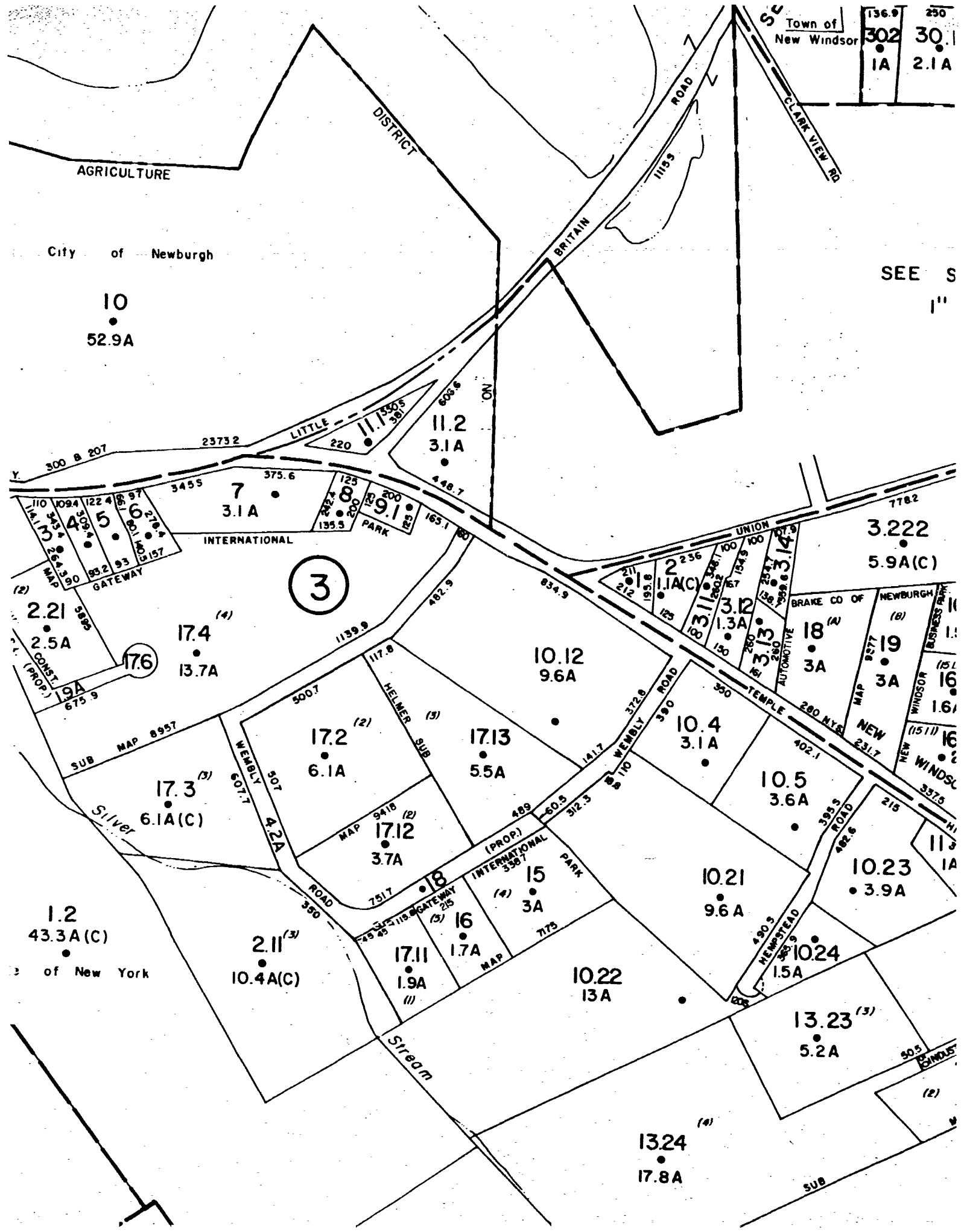
A vacant parcel of land on west side of Windsor Highway
immediately north of Ponderosa Restaurant.

known and designated as tax map Section 35, **Blk.** 1 **Lot** 102.1

PUBLIC HEARING will take place on the 28 day of February, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent

Chairman



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

PETRO METALS, INC.

TO

PETRO METALS, INC. and
NORTH PLANK DEVELOPMENT COMPANY, L.L.C.

SECTION 35 BLOCK 1 LOT 702.1

RECORD AND RETURN TO:
(Name and Address)

DUGGAN, CROTTY & DUNN, P.C.
563 Temple Hill Road
New Windsor, NY 12553

HERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

STRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
 4201 MAYBROOK (VLG)
 4203 MONTGOMERY (VLG)
 4205 WALDEN (VLG)
 4489 MOUNT HOPE (TN)
 4401 OTISVILLE (VLG)
 1600 NEWBURGH (TN)
 ✓ 4800 NEW WINDSOR (TN)
 5089 TUXEDO (TN)
 5001 TUXEDO PARK (VLG)
 5200 WALLKILL (TN)
 5489 WARWICK (TN)
 5401 FLORIDA (VLG)
 5403 GREENWOOD LAKE (VLG)
 5405 WARWICK (VLG)
 5600 WAWAYANDA (TN)
 5889 WOODBURY (TN)
 5801 HARTMAN (VLG)

CITIES

0900 MIDDLETOWN
 1100 NEWBURGH
 1300 PORT JENVIS

NO. PAGES 6 CROSS REF _____
 CER1. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK ☒ _____
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 150 000 00
TAX EXEMPT

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:

___ (A) COMMERCIAL

___ (U) 1 OR 2 FAMILY

___ (C) UNDER \$10,000.

___ (E) EXEMPT

___ (F) 3 TO 6 UNITS

___ (I) NAT.PERSON/CR.UNION

___ (J) NAT.PER-CR.UN/ OR 2

___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: Susan Cuthy + Munn

LIBR 5154PG 246

RECEIVED
NOV 18 1999

[illegible]

A 291 - Standard N.Y.B.T.U. Form 80C
Bargain & sale deed, with covenant against grantor's act; Ind. or Corp., 11-98.

© 1987 by Blumberg Excelsior Inc.
NYC 10013

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on September 10, 1999

BETWEEN

PETRO METALS, INC., with a mailing address of P. O. Box 928,

Vails Gate, New York 12584,

party of the first part, and

PETRO METALS, INC., with a mailing address of P. O. Box 928,

Vails Gate, New York 12584; and

NORTH PLANK ~~REAL~~ DEVELOPMENT COMPANY, L.L.C., with an address
at 313 Broadway, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being ~~XXXX~~ more particularly described on the attached SCHEDULE "A".

BEING the same premises described in that certain deed dated the 8th
day of August, 1997 from ROUTE 32 ASSOCIATES to PETRO METALS, INC., which
deed was recorded in the Orange County Clerk's Office on

SCHEDULE "A"

All that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lot No. 1 as shown on a map entitled "Route 32 Associates Final Plan Minor Subdivision", said map having been filed in the Orange County Clerk's Office on AUGUST 4th, 1997 as Map No. 173-47, being more particularly described as follows:

BEGINNING at a point in the westerly line of New York State Route 32 (State Highway No. 9033), where said line is intersected by the division line between lands now or formerly Brauvn High Yield Fund L.P. (Ponderosa Restaurant) to the south, and the parcel herein described, running thence, the following courses:

1. Along said division line, and continuing along lands now or formerly Exeter Building Corp. (Washington Green)
N 63°59' 00" W 400.00' to a point;
2. Still along lands now or formerly Exeter Building Corp.,
N 27°23' 18" E 220.05' to a point;
3. Along the division line between Lot No. 1 and Lot No. 2, as shown on the above referenced map, S 63°59' 00" E 395.28' to a point in the westerly line of New York State Route 32;
4. Along said line, S 27°47' 58" W 17.41' to a point;
5. Still along said line, S 26°01' 10" W 202.59' to the point or place of BEGINNING.

Containing 2.01 acres of land more or less.

Subject to a ten (10) foot wide water line easement running through the above described parcel along and parallel to New York State Route 32, being more particularly described as follows:

BEGINNING at a point in the westerly line of New York State Route 32, said point being the point of BEGINNING of the above described parcel, running thence, the following courses:

1. Along lands now or formerly Brauvn High Yield Fund LP,
N 63°59' 00" W 10.00' to a point;
2. Running through the above described parcel, N 26°01' 10" E 202.75' to a point;
3. Still through said parcel, N 27°47' 58" E 17.25' to a point in the division line between Lot No. 1 and Lot No. 2 as shown on the above referenced map;
4. Along said division line, S 63°59' 00" E 10.00' to a point in the westerly line of New York State Route 32;
5. Along said line, S 27°47' 58" W 17.41' to a point;
6. Still along said line, S 26°01' 10" W 202.59' to the point or place of BEGINNING.

SUBJECT TO:

1. Utility Company Easements in Liber 1093 cp 131 and Liber 1483 cp 98.
2. Water Main Easement and Agreement in Liber 2100 cp 698.
3. Notes and Easements on Filed Map No. 4589.
4. Notes and Easements on Subdivision Map(s) of "New Windsor Acres".
5. Any and all covenants, declarations, restrictions and easements of record.
6. Rights, if any, relating to the construction and maintenance in connection with any public utility of wires, poles, pipes, conduits and appurtenances thereto, on, under or across the Premises.
7. Such a state of facts as shown on Filed Map No. 7715 dated December 20, 1985, last revised July 1, 1986 and filed in the Orange County Clerk's Office on July 14, 1986.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

PETRO METALS, INC.


BY: JAMES R. PETRO, JR.

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of ORANGE ss.:

On September 10, 1999 before me, the undersigned, personally appeared JAMES R. PETRO, JR.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

PHILIP A. CROTTY
Notary Public, State of New York (office of individual taking acknowledgment)
Qualified in Orange County
Reg. No. 4520410
Commission Expires March 30, 2002
ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in _____

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared _____

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s) _____

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said _____

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(☐ if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in _____)

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

PETRO METALS, INC.

TO

NORTH PLANK DEVELOPMENT COMPANY, L.L.C.

AND

PETRO METALS, INC.

AS TENANTS IN COMMON

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

Zip No. _____

Reserve this space for use of Recording Office.

15154PG 251

Date 7/26/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

ATE			CLAIMED		ALLOWED	
#/00		Zoning Board Mtg	75	00		
		Misc - 2				
		Moroneg - 3				
		Borgard - 4				
		Bachhofen - 5				
		Petro Metals - 5 22.50.				
		Omat - 6				
		Llanusa - 1				
		Maurice - 11	166	50		
		37				
			241	50		

PETRO METALS, INC.

MR. NUGENT: Referred by Planning Board for parking variance of 14 spaces to construct office building on west side of Windsor Highway in a C zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: For the record, my name is Greg Shaw from Shaw Engineering representing Petro Metals tonight. As your Chairman told you, we're here before you for a parking variance for our proposal on the two acre parcel on the west side of Windsor Highway. The property is just north of the Ponderossa Restaurant and across the street from Mansfield's Paint, just to orient you. Presently, it's an undeveloped site. What my client is proposing to do is construct two buildings that will be used for retail office or combination of both. First building closest to the highway will be 12,000 square feet in size and the second building most remote from the highway will be 4,975 square feet in size. We comply with all aspects of your zoning with the exception of the parking spaces, as this board I'm sure is aware, the parking space calculation, the zoning ordinance was recently changed, not only was office increased from 1 to 200 to 1 to 150, but the word total was inserted for both retail and for office. So that's very simple, take the gross size of the building, divide by 150, that's the number of spaces you need a substantial increase from the zoning law of six, eight months ago, so with that, we have maximized the parking area, we have come up with a total of 100 spaces that we can provide. Unfortunately, with respect to the zoning, we're required to provide 114 spaces. So, we're coming before this board looking for a variance for the 14 spaces that we assigned in accordance with your zoning ordinance. Again, the building may be retail, they may be office or combination of the two. For all practical purposes, the owner wants to be flexible, depending upon the market who would like to rent it.

MR. NUGENT: You have no permanent tenants in line now?

MR. SHAW: No.

MR. TORLEY: And the structures have not yet been built?

MR. SHAW: No.

MR. TORLEY: So say for purposes of argument, the second building, how much would that have to be reduced in floor space to make it so you'd meet the zoning code for parking spaces.

MR. SHAW: Well, that would be 14 times 150, which is about 2,200, 2,300 square feet in that range.

MR. NUGENT: It would be in half.

MR. SHAW: Yeah, it would be in half.

MR. TORLEY: The Town Board has in the very recent past decided that this is the density of parking they want now, and you have not yet built the structure.

MR. SHAW: Correct.

MR. NUGENT: He can make the bigger one smaller, too.

MR. TORLEY: Just for, so you have, what's your justification for wanting to exceed a brand new code?

MR. SHAW: Purely economics, that my client is telling me that in order to develop this site properly, with all the site amenities and again, this is a joint venture of Petro Metals and North Plank Road, their latest building is across from the Lexus Diner in the Town of Newburgh, I don't know if you drove by it, but it's a very attractive building. They have retained an architect, same architect who's done that building to architecturally address these buildings, but the point is with the type of building they are proposing and the site improvements and the drainage and the water and the sewer, they need this many square feet of building to make the project viable.

MR. NUGENT: Is there any reason why the property to

the, looking at it from the way I'm looking at it, at the right of the rear cannot be some spaces gotten there?

MR. SHAW: You're not going to get--

MR. NUGENT: I don't know the topo, I see it goes pretty steep, it's like a bank in the back, right?

MR. SHAW: Yeah, it is, if you were to try and create some parking at 90 degrees to the parking in front of building number 2, you'll probably pick up maybe, maybe a couple spaces, you're going to wipe out some of the spaces on the plan for an aisle, okay, so now you're going to be minus and now as you enter in the side of the building, it may be double load, both, I don't think you have room, maybe single load you may pick up maybe two spaces and create a lot more blacktop for only a few.

MR. NUGENT: You'd lose some of your--

MR. SHAW: I'd lose some in the front because I need a drive-thru aisle to get to the parking on the side because it's not wide enough to double load what am I creating, maybe I'm creating five spaces along the side of the building and I'm giving up probably three spaces to get an aisle through there, maybe only get four spaces on the sides of the building, so maybe I pick up one, two, that's about it.

MR. REIS: Mike, the criteria for a retail versus office spaces, what are we talking about as far as per parking space, or is it the same square foot building, retail square foot building?

MR. BABCOCK: It's the same thing, it used to be in sales use, so if you had a bathroom, if you had a storage area, if you had unusable sprinkler areas, common areas, they weren't included in that 1 per 150. Today, you have to do the entire square footage and basically, it came down to be about 75 percent and on a plan like this at 75 percent of the building being used as sales and the other 25 percent storage about the rooms and whatever, he would more than make the parking

requirement. But now you have to supply a parking spot basically for the square footage of the bathroom also it's total.

MR. TORLEY: Person in the bathroom probably drove there.

MR. NUGENT: Greg, do you need any signs?

MR. SHAW: At this point in time, I don't know, I will have that answer for you before the public hearing. I have not got into signage with him but as Mike said with respect to the retail, yes, you have lost the 25 percent because now, it's total, if it's office, well, it's a double hit because it used to be 200, now it's 150, it used to be in use, now it's total, so it's a substantial increase.

MR. TORLEY: But again, you may be talking to the wrong people, the Town Board just decided to change that as a new code with their thinking on it.

MR. SHAW: But the Town Board doesn't grant the variance, this board does, so that's why I'm here.

MR. TORLEY: Mr. Chairman, entertain a motion?

MR. NUGENT: Yes, I will.

MR. TORLEY: I move we grant Petro Metals public hearing on the requested parking space variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS AYE

MR. TORLEY AYE

MR. NUGENT AYE

MR. SHAW: Thank you.

MR. KRIEGER: This is a list of criteria or do you already have one?

January 24, 2000

18

MR. SHAW: I have it and I've it memorized.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

January 26, 2000

Mr. Gregory Shaw
744 Broadway
Newburgh, NY 12550

RE: 35-1-102.1

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 45.00, minus your deposit of \$25.00.

Please remit the balance of \$ 20.00 to the Town Clerk's office.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Cook".

Leslie Cook
Sole Assessor

/jff
Attachments

Cc: Pat Barnhart, ZBA

Garcia Javier R & Norma C
40 Continental Drive
New Windsor, NY 12553

Horowitz William Corp.
6 Hamilton Drive East
North Caldwell, NJ 07006

Vails Gate Elementary School
98 Grand Street
Newburgh, NY 12550

Winters Gerald & Deborah
Milch Herbert
42 Continental Drive
New Windsor, NY 12553

Komondarea, Basil M.
41 Continental Drive
New Windsor, NY 12553

Petro Metals, Inc.
North Plank Development Co., L.L.C.
313 Broadway
Newburgh, NY 12550

Wessman Naomi
44 Continental Drive
New Windsor, NY 12553

Karas Thomas A & Beverly S
39 Continental Drive
New Windsor, NY 12553

Mylonas Dimitrios & Pope
C/o New Windsor Coach Diner
351 Windsor Highway
New Windsor, NY 12553

Kroun Renee
46 Continental Drive
New Windsor, NY 12553

Kennelly Diane M
37 Continental Drive
New Windsor, NY 12553

Pendergast Patricia W.
52 Continental Drive
New Windsor, NY 12553

Lu Chien-Min & Yao Ming
48 Continental Drive
New Windsor, NY 12553

Vasquez Harold & Barbara
35 Continental Drive
New Windsor, NY 12553

DiGregorio Lawrence P.
Robertson Claudette
54 Continental Drive
New Windsor, NY 12553

Hess Anne & Pascale Mary
50 Continental Drive
New Windsor, NY 12553

Rickle Vincent D. & Tracy N.
33 Continental Drive
New Windsor, NY 12553

Smith Bradford O & Kyong S
56 Continental Drive
New Windsor, NY 12553

Kaduk, Eleanor K.
P.O. Box 1206
Newburgh, NY 12550

D & D Brothers Partnership
310 Windsor Highway
New Windsor, NY 12553

Bank of New York
Property Mgmt 48 Wall St.-24th Floor
Attn: P. Culas
New York, NY 10286

Harris Benjamin & Wennet Etta
P.O. Box 780
Cornwall, NY 12518

Aliya Inc.
115 Corporate Drive
New Windsor, NY 12553

Kettner David E & Diana L
43 Continental Drive
New Windsor, NY 12553

Rottmeier Dev. Co Inc.
C/O Newburgh Pork Store
327 Windsor Highway
New Windsor, NY 12553

Brauvin High Yield Fund LP
30 No. Lasalle Street
Suite 3100
Chicago, IL 60602

Planet Wings
24 Sunnyside Ave
Middletown, NY 10940

Deyo Jesse Donald & Margaret
340 Windsor Highway
New Windsor, NY 12553

N.F. LANDS OF
EXETER BUILDING CORP.
(WASHINGTON GREEN)

R-5 ZONE
C ZONE

LEGEND

EXISTING	NEW
200' 2' CONTOUR	FINISHED GRADE
200' 10' CONTOUR	CATCH BASIN
BOUNDARY	SANITARY MANHOLE
ADJ. PROPERTY LINE	HYDRANT
CATCH BASIN	VALVE
SANITARY MANHOLE	CURB VALVE
HYDRANT	CLEANOUT
WATER VALVE	LIGHT POLE
GAS VALVE	WALL-PACK LIGHTING
UTILITY POLE	SPOT ELEVATION 284.4
LAMP POST	WOODED LINE
LIGHT POLE	
STONEWALL	
WOODED LINE	

NOTES

1. ZONING DISTRICT: C1 DESIGN SHOPPING
2. RECORD OWNER & APPLICANT: PETRO METALS, INC. & NORTH PLANK DEVELOPMENT CORP.
P.O. BOX 428
VAILS GATE, N.Y. 12584
3. TOTAL PARCEL AREA: 2.01+ ACRES
4. TAX MAP DESIGNATION: SECTION 35, BLOCK 1, LOT 1021
5. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
6. UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (U.F.P.O.) SECTION 114B OF THE PUBLIC SERVICE LAW, ARTICLE 36 OF THE GENERAL BUSINESS LAW AND INDUSTRIAL CODE RULE 59 REQUIRES (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING OR BLASTING UNDERGROUND UTILITIES CALL CENTER TEL. NO. 1-800-462-7862 CONTRACTOR SHALL PROTECT AND PRESERVE UTILITY MARKINGS.
7. BOUNDARY AND PLANIMETRIC SURVEY INFORMATION OBTAINED FROM DRAWING ENTITLED "ROUTE 32 ASSOCIATES FINAL PLAN MINOR SUBDIVISION", PREPARED BY GREVAS & HILDRETH, P.C. ON AUGUST 30, 1994, AND FILED IN THE COUNTY CLERK'S OFFICE ON AUGUST 4, 1994 WITH A FILED MAP NO. 175-41. TOPOGRAPHIC AND UTILITY INFORMATION ALSO OBTAINED BY GREVAS & HILDRETH, P.C.

ZONING SCHEDULE

ZONE C1 DESIGN SHOPPING USES: A1 TO A6		
BULK REGULATIONS: C ZONE	REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	87,428 S.F.
MIN. LOT WIDTH	200 FT.	220 FT.
MIN. FRONT YARD DEPTH	60 FT.	144 FT.
MIN. SIDE YARD - ONE	30 FT.	30 FT.
MIN. SIDE YARD - BOTH	10 FT.	10 FT.
MIN. REAR YARD DEPTH	30 FT.	30 FT.
MIN. STREET FRONTAGE	N/A	220 FT.
BUILDING HEIGHT (2' / FT. OF DISTANCE TO NEAREST LOT LINE - 30 FT.)	30'-0"	24'-6"
MAX FLOOR AREA RATIO	0.50	0.14
DEVELOPMENT COVERAGE	N/A	N/A
OFF-STREET PARKING		
BUILDING No. 1	REQUIRED	PROVIDED
RETAIL: 1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE		
OFFICE: 1 SPACE PER 150 S.F. OF TOTAL FLOOR AREA (12,000 S.F. / 150 S.F. PER SPACE)	80 SPACES	
BUILDING No. 2		
RETAIL: 1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE		
OFFICE: 1 SPACE PER 150 S.F. OF TOTAL FLOOR AREA (4,975 S.F. / 150 S.F. PER SPACE)	34 SPACES 114 SPACES	100 SPACES *
COVERAGES		
BUILDING COVERAGE % OF TOTAL AREA	16,975 S.F. 19.4 %	
PAVEMENT COVERAGE % OF TOTAL AREA	41,206 S.F. 47.1 %	
OPEN SPACE COVERAGE % OF TOTAL AREA	29,242 S.F. 33.5 %	
* DENOTES A VARIANCE WILL BE REQUIRED FROM THE NEW WINDSOR ZONING BOARD OF APPEALS.		

ZONING MAP




N.F. LANDS OF
ROUTE 32 ASSOCIATES

N.F. LANDS OF
BRAUVIN HIGH YIELD FUND L.P.
(PONDEROSA RESTAURANT)

WASHINGTON
DRIVE

WINDSOR
(N.Y.S. ROUTE 32)

S.H. NO. 9093



Shaw Engineering
Consulting Engineers
744 Broadway
Newburgh, N.Y. 12550

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ISSUE	REVISION	DATE

Drawn By: J.R.J.
Checked By: G.J.S.
Scale: 1"=20'
Date: 12-15-1999

Project: NEW OFFICE / RETAIL BUILDINGS FOR
PETRO METALS, INC. & NORTH PLANK DEVELOPMENT CORP.
WINDSOR HIGHWAY
TOWN OF NEW WINDSOR, N.Y.

Project No. 9910

OF 1